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December 21, 2007

The Honorable Joseph J. Farnan, Jr.
United States District Court for the District of Delaware
Lockbox 18
844 N. King Street
Wilmington, Delaware 19801

Re: **RLI Insurance Company v. Indian River School District, et al**
Civil Action No. 1:05-cv-00858-JJF

Dear Judge Farnan:

Plaintiff's counsel's letter dated December 18, 2007 notified counsel and the Court that RLI intended to obtain an amended report to address the deficiencies noted in the Court's opinion on IRSD's motion to strike. That letter included comments about the timing and nature of the events that should now follow, which prompted discussions among counsel about what that procedure should be in light of Your Honor's ruling on IRSD's motion to strike the initial expert report and the procedure discussed at the pretrial conference. These discussions have resulted in an agreement between counsel about what the procedure should be, and this letter sets forth that agreement for your approval.

Counsel have agreed that RLI shall have forty days instead of having thirty days to serve an amended report from the time RLI gave notice of its intention to amend, a period that will expire January 28, 2008.

Counsel have further agreed that defendants shall have forty days instead of thirty days after the service of the amended report to: (1) take the expert's deposition, with RLI to pay the cost of defendants' preparation and examination; and (2) if the defendants believe the report is still deficient, file another motion to strike. If the defendants agree, or the court determines, that the expert has successfully corrected the deficiencies in his initial report, defendants would have the right to amend their rebuttal expert reports within thirty days thereafter.

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Very truly yours,

/s/ *K. Gerard Amadio*
K. GERARD AMADIO
FOR VENZIE, PHILLIPS & WARSHAWER

/s/ *James S. Green*
JAMES S. GREEN
FOR SEITZ, VANOGTROP & GREEN

Cc: all counsel

APPROVED:

The Honorable Joseph J. Farnan, Jr.